

**IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

UNITED STATES OF AMERICA,

v.

Case No. 1:16-cr-209

DANIEL O. FLORES-MARAVILLA, et al.,

Defendants.

MOTION TO STRIKE EXPERT WITNESS

COMES NOW the Defendant, Daniel O. Flores-Maravilla, by counsel, and moves to strike Det. Claudio Saa as one of the United States' designated expert witnesses and in support hereof, states as follows:

1. The United States has designated Det. Claudio Saa as an expert witness in the areas of gang related activity, focusing on the MS-13 and 18th Street gangs.
2. Based on background information provided by the United States in support of its expert witness designation, Det. Saa has gathered most of the information upon which he purports to base his expertise from inadmissible hearsay.
3. With all due respect to Det. Saa, it appears from the United States' supporting information that he cannot give an independent judgment but will merely act as a transmitter for testimonial hearsay. The government's designation does not support its claim that he has applied his training and experience to the sources upon which he has relied to reach an independent judgment.

MEMORANDUM OF POINTS AND AUTHORITIES:

4. Crawford v. Washington, 541 U.S. 36, 124 S. Ct. 1354, 158 L. Ed. 2d 177 (2004);

5. *United States v. Johnson*, 587 F.3d 625 (4th Cir. 2009); (“An expert witness's reliance on evidence that *Crawford* would bar if offered directly only becomes a problem where the witness is used as little more than a conduit or transmitter for testimonial hearsay, rather than as a true expert whose considered opinion sheds light on some specialized factual situation. Allowing a witness simply to parrot ‘out-of-court testimonial statements of cooperating witnesses and confidential informants directly to the jury in the guise of expert opinion’ would provide an end run around *Crawford*.” *United States v. Johnson*, *id.*, at 635, citing *United States v. Lombardozzi*, 491 F.3d 61, 72 (2d Cir. 2007).

WHEREFORE, Daniel O. Flores Maravilla moves this Court for an Order striking the United States designation of Det. Claudio Saa as an expert witness.

Respectfully submitted,
Daniel O. Flores-Maravilla
By Counsel

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CERTIFICATE OF SERVICE

This is to certify that a true copy of the foregoing was served by ECF, email, fax, hand-delivery, and/or first class mail, postage prepaid to:

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